

REGULAR MEETING AGENDA

Wednesday, September 9, 2015 7:45 P.M.
Auditorium
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

OPENING

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce another's protections as defined within the Zoning Regulations. Therefore, any information considered must be clearly provided and all hearing comments are recorded. **Please speak only into the microphones near the podium. In order to avoid unnecessary distractions, please silence all electronic/communication devices and avoid side conversations** within the meeting room and hallway near the door.

The ZBA will make every reasonable effort to complete this agenda in a timely manner. However, complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently. Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting and some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

CONTINUATION OF PUBLIC HEARING

Opened on July 15, 2015 and continued to tonight, September 9, 2015. The previously seated ZBA members for this request are Mike Nedder, Gary Greene, Rich Wood, and Ruth Anne Ramsey. Other members may have reviewed the application materials, the

tape recording of the July 15th segment of the hearing, and the submitted documents in order to be fully informed of this request and to be prepared to sit on this application.

CALENDAR NO. 41-2015

The application of William I. Haslun II, Esq. and Johnson, Haslun & Hogeman LLC on behalf of Giovanni's at Water's Edge and PR Partnership LLC submitted on June 19, 2015 for variances of Sections 381-387, 406, and 904 of the Darien Zoning Regulations; to allow the construction of a one story entry canopy addition; and modification of the front dropoff, parking, and landscape areas; Sections 381-387: enlargement of a non-conforming building and intensification of a non-conforming use; Section 406: 0.5 in lieu of 30.0 feet minimum required front yard setback; and Section 904: expansion of gross floor area with a possible reduction from the approximately 33 valid parking spaces on a property with deficient existing parking quantity. The property is situated on the south side of the Boston Post Road opposite the intersection of Brookside Drive and is shown on Assessor's Map #54 as Lot #35, being 2748 Boston Post Road and located in an R-1/3 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 31-2015

The application of Arthur & Mary Bellis submitted on May 4, 2015 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a one story covered front porch; Section 406: 44.8 in lieu of 50.0 feet minimum required front yard setback. The property is located on the north side of Marianne Road at the intersection with Shady Acres Road and is shown on Assessor's Map #1 as Lot #92, being 22 Marianne Road and located in an R-2 (residential) Zone.

CALENDAR NO. 42-2015

The application of ERI Building and Design, Jeffrey McDougal and William W. Seymour and Assoc. on behalf of William & Catherine Wappler submitted on August 4, 2015 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a replacement two and one-half story house; Section 385: a determination that the subject lot is a legal nonconforming building lot with 178.7 in lieu of 200.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 178.7 in lieu of 200.0 feet minimum required lot width. The property is situated on the east side of Brookside Road approximately 600 feet south of the intersection with Stephen Mather Road and is shown on Assessor's Map #1 as Lot #64, being 390 Brookside Road and located in an R-2 (residential) Zone.

CALENDAR NO. 43-2015

The application of Neil Hauck, AIA and Neil Hauck Architects LLC on behalf of First Congregational Church of Darien submitted on August 12, 2015 for an interpretation of Section 210 and/or a variance of Section 825 of the Darien Zoning Regulations; to allow the construction of interior alterations and façade improvements to the 11 Brookside Road building; Section 210: an interpretation of “substantial improvement” relative to this property; and Section 825: maintenance of existing lower level space at 51.4 in lieu of 53.1 minimum required floor elevation. The subject property is situated on the southeast corner formed by the intersection of Boston Post Road and Brookside Road and shown on Assessor’s Map #16 as Lots #92, 93, 94 & 95, being 11 Brookside Road and located in the DB-1 (commercial) Zone.

CALENDAR NO. 44-2015

The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of St. John’s Roman Catholic Church submitted on August 12, 2015 for variances of Sections 373, 406 and 927; to allow the display of monuments/headstones and the use of a hanging sign including the word “monument”; Section 373: to allow the display of articles for sale in the front yard setback space; Section 406: 12.0 in lieu of 30.0 feet minimum required front yard setback and 34.0 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Camp Avenue for the monuments/headstones; and Section 927: to allow the word “monument” on the sign located within the front yard setback space. The subject property is located on the southwest corner of the intersection formed by Hoyt Street and Camp Avenue and is shown on Assessor’s Map #31 and Lot #38, being 25 Camp Avenue and located in the R-1/3 (residential) Zone.

DELIBERATIONS AND DECISIONS

Discussion, deliberation and possible decisions for Public Hearing request items listed above. Four affirmative votes out of the five seated ZBA members are required to approve a proposal. Decisions are made after the ZBA members review the public hearing comments, submitted plans and other application materials, and carefully consider possible stipulations to ensure the best possible project fit among the neighboring properties. If complications arise ZBA deliberation of the requests may be postponed or continued to a later meeting date.

OTHER BUSINESS

This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.

1. Requested six month extension, received August 20, 2015, to obtain all required permits and begin on-site construction for ZBA Calendar No. 33-2015, Ben & Trudie Larrabee, 26 Fairview Avenue. The Public Hearing of this matter was June 24, 2015. Initial ZBA approval expires on January 6, 2016.
2. Discussion of September 29, 2015 Planning and Zoning Commission public hearing of recommended Zoning Regulation changes.
3. Requested amendment of project plans for ZBA Calendar No. 8-2015, Joseph & Rita Maruszewski, 102 Mansfield Avenue.
4. Requested amendment of project plans for ZBA Calendar No. 19-2015, Jim and Sharon Schoen, 24 Hoyt Court.
5. Requested amendment of project plans for ZBA Calendar No. 6-1992, Vanda McGlade Baker, 17 Indian Trail.
6. Possible requested amendment to the stipulations regarding replacement tree planting for ZBA Calendar No. 11-2015, David Ingraham, 33 Casement Street.
7. Discussion of Verrillo v. Branford ZBA Appellate Court decision.
8. General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/ guidelines/ staff questions, project fit relative to neighbor properties, supervision/ inspection of construction projects, and/ or requested changes.
9. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).

ADJOURN